

**REMARKS**

Claims 10-15 are currently pending in the above application. Claim 10 has been amended to incorporate the subject matter of claim 11, with claim 11 being cancelled without prejudice. Claim 12 has been amended to include only a polymer material. Claims 20-22 have been added by the foregoing amendment, wherein claim 20 now incorporates the cancelled subject matter of amended claim 12 and wherein claims 21 and 22 depend from new claim 20.

Claims 10-15 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite because the term "spherical" is being used to claim to mean "semi-circular." Applicants respectfully agree, have amended the specification to read "semi-circular region 30" and "semi-circular region 60." Support for these changes is shown in the drawings, which illustrate a semicircular region. Further, Applicants have corrected paragraph [0019] to properly read "inlets 67," not "inlets 64." Also, Applicants have amended claims 3, 5 and 10 to replace "spherical region" with "semi-circular region." Applicants have also amended claim 3 to properly read "upper portion," not "upper bracket" and modified claim 12 to be formed of polymer material only. Reconsideration of the specification and claims in light of these changes is respectfully requested.

Claims 10-12 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reid et al. (U.S. Patent No. 6,276,835) in view of Kanda (U.S. Patent No. 5,906,360). Applicants respectfully traverse the Examiner's rejection.

Reid et al. discloses a split cam follower doctor bearing assembly for supporting a rotatable and axially reciprocal shaft and having a journal block enclosed within a housing structure. The Reid et al. disclosure is used in web handling machines of the type typically found in paper and textile mills. The journal block (as well as the housing seals and side plates) is separated into a top and bottom section separably joined at a common interface by connecting bolts, thereby allowing easy access for replacement of

components without disturbing the housing bottom portion on the machine frame. As the Examiner indicates, Reid et al. does not disclose the type of materials used for the upper and lower portions.

Claims 10, 12, and 15 are distinguished from the Reid et al. reference because they each recite a linkshaft bracket for use in a vehicle driveline having a composite upper portion coupled to a lower portion such that the composite linkshaft bracket produced has a natural frequency of a minimum of about 1080 Hertz in the first mode. Further, the Reid reference does not disclose a polymer material used in the upper composite portion that has a heat distortion temperature of greater than 180 degrees Celsius. Claims 10, 12 and 15, are therefore novel, notwithstanding the Reid et al. reference.

With respect to new claims 20-22, Reid et al. does not disclose a linkshaft bracket having a composite upper portion coupled to a stamped metal lower portion, wherein the linkshaft bracket has a natural frequency of a minimum of about 1080 Hertz in the first mode and wherein the polymer material used in the upper composite portion that has a heat distortion temperature of greater than 180 degrees Celsius. Claims 20-22 are therefore novel, notwithstanding the Reid et al. reference.

Kanda discloses an elastic mounting device including a fluid-filled cylindrical elastic mount interposed between a power unit (including the engine) and a body or frame of the vehicle. The elastic mounting device is adapted to effectively damp a vibrational load that is applied thereto in a direction substantially parallel to the vertical direction. The elastic mount is surrounded by a synthetic resin bracket having a cylindrical bore in which the elastic mount is fixed. As the Examiner indicates, the synthetic resin has a required strength, such as a fiber-reinforced polyamide resin. As the Examiner indicates, the present invention, as described in claims 10, 12 and 15, is novel, notwithstanding the Kanda reference.

Claims 10, 12, and 15 are distinguished from the Kanda reference because they each recite a linkshaft bracket for use in a vehicle driveline having a composite upper portion coupled to a lower portion such that the composite linkshaft bracket produced has a natural frequency of a minimum of about 1080 Hertz in the first mode. The vibration damping in the Kanda reference, on the other hand, is accomplished through compressed fluid movement within the elastic mount, not within the sleeve.

Further, the Kanda reference does not disclose a polymer material used in the upper composite portion that has a heat distortion temperature of greater than 180 degrees Celsius. Claims 10, 12 and 15, are therefore novel, notwithstanding the Kanda reference.

With respect to new claims 20-22, Kanda does not disclose a linkshaft bracket having a composite upper portion coupled to a stamped metal lower portion, wherein the linkshaft bracket has a natural frequency of a minimum of about 1080 Hertz in the first mode and wherein the polymer material used in the upper composite portion that has a heat distortion temperature of greater than 180 degrees Celsius. Claims 20-22 are therefore novel, notwithstanding the Kanda reference.

Section 2143 of the Manual of Patent Examining Procedure states that three basic criteria must be met for establishing a *prima facie* case of obviousness, stating:

"First, there must some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach all of the claim limitations."

"If the examiner does not establish a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." Section 2142 MPEP, ch. 2100, p. 110. "When the references cited by the Examiner fail to establish a *prima facie* case of obviousness, the rejection is improper and will be overturned."<sup>1</sup> One cannot use hindsight reconstruction, picking and choosing among isolated disclosures in the prior art, to deny that the claimed invention is unobvious.<sup>2</sup>

Here, the Examiner has not established a *prima facie* case of obviousness because the combination of the Reid et al. and the Kanda references do not disclose or suggest all of the limitations as contained in independent claim 10. Specifically, the combination of Reid et al. and Kanda does not disclose a composite linkshaft bracket used in a vehicle driveline having a composite upper section coupled to a lower section produced that has a natural frequency of a minimum of about 1080 Hertz in the first mode. Further, the polymer material of Kanda et al. does not have a heat distortion temperature of greater than 180 degrees.

Also, even assuming *arguendo* that the combination of references does teach what is disclosed in claim 10, there is no motivation to combine the references, contrary to the Examiner's analysis. Reid et al. is directed to a machine used in the textile and paper industry, not in a vehicle driveline within the automotive industry. There is no indication in Reid et al. that vibration is a problem in this type of machine, thus there is no reason to replace the bracket in Reid et al. with a synthetic version to improve vibration resistance.

Further, as described above, the addition of the polymer material to improve dampening would not be contemplated in Kanda, as the elastic mount takes care of all the vibrational issues. Thus, there is no motivation to add the two-piece bracket of Reid et al. having the desired dampening characteristics and heat distortion properties.

<sup>1</sup> *In re Ochiai*, 71 F.3d 1565, 37 U.S.P.Q.2d 1127 (Fed. Cir. 1995), citing *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

<sup>2</sup> *In re Fine*, 837 F.2d at 1075.

Thus, claims 10, 12 and 15 are not obvious in view of the cited prior art (nor are new claims 20-22). Reconsideration of claims 10, 12, 15 and 20-22 is thus respectfully requested.

Claims 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Reid et al. (U.S. Patent No. 6,276,835), in view of Kanda (U.S. Patent No. 5,906,360), and further in view of Moriwaki et al. (U.S. Patent No. 5,250,604). Applicants respectfully traverse the Examiner's rejection.

Moriwaki et al. discloses an aliphatic polyamide having glass fiber reinforcement. The Examiner thus believes that the chemical composition disclosed in Moriwaki et al. could be added to Reid et al. and Kanda to render obvious claims 13 and 14 of the present invention. Applicants respectfully disagree.

As stated above, Reid et al. and Kanda, alone or in combination, do not disclose a linkshaft bracket having a composite upper portion coupled to a lower portion, wherein the linkshaft bracket has a natural frequency of a minimum of about 1080 Hertz in the first mode and wherein the polymer material used in the upper composite portion that has a heat distortion temperature of greater than 180 degrees Celsius. Moriwaki et al. does nothing to change this fundamental fact. Therefore, the combination of Reid et al., Kanda, and Moriwaki et al. does not render obvious claims 13 and 14 of the present invention. Reconsideration of claims 13 and 14 is thus respectfully suggested.

In view of the foregoing amendments and remarks, Applicants submit that claims 10, 12-15, and 20-22 are allowable. Accordingly, allowance of these claims and passage of the application to issuance are respectfully solicited.

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The Examiner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 50-0476 in the name of John A. Artz, P.C.

The Examiner is invited to telephone the Applicants' undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Respectfully submitted,

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